

UNITED STATES DISTRICT COURT
for the
Eastern District of California

United States of America

v.

TONY HILL

Defendant(s)

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)
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)
)

Case No.

2:24-mj-0120 CSK

FILED

Oct 02, 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 6, 2024 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)

Felon in possession of a firearm

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF ATF Special Agent Matthew Garrett

Continued on the attached sheet.

/s/

Complainant's signature

Matthew Garrett, Special Agent,
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Printed name and title

Sworn to me and signed via telephone.

Date: October 2, 2024



Judge's signature

City and state: Sacramento, California

Chi Soo Kim, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF MATTHEW GARRETT IN SUPPORT OF A CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Matthew Garrett, being duly sworn, depose and state the following:

Purpose

1. This Affidavit is made in support of a criminal complaint and arrest warrant for:

Tony HILL

For the following federal law violation:

Felon in possession of a firearm (18 U.S.C. § 922(g)(1))

Affiant's Background and Experience

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”), United States Department of Justice, and have been so employed since September of 2004. I am a graduate of the Federal Law Enforcement Training Center’s Criminal Investigator Training Program and the ATF National Academy’s Special Agent Basic Training. I have also completed ATF’s Firearms Interstate Nexus Training and Advanced Interstate Nexus Training, and have provided testimony for the Eastern and Northern U.S. Districts in California as an expert witness regarding the interstate nexus of firearms.
3. I have assisted in the execution of more than 200 warrants to search particular places or premises for firearms and/or firearms-trafficking paraphernalia, indicia and other evidence of violations of federal or state firearms statutes. As a result, I have encountered and become familiar with various tools, methods, trends, and paraphernalia and related articles utilized by prohibited persons in possession of firearms and firearms traffickers in their efforts to import, conceal, possess, alter, modify, and sell firearms. I have been actively involved as a case agent in more than 90 investigations and have spoken with confidential informants involved in the illegal possession and/or trafficking of firearms, and this has formed the basis of my opinions.
4. As a result of my training and experience as an ATF Special Agent, I am knowledgeable in federal laws relating to firearms. For example, I know that it is unlawful, pursuant to 18 U.S.C. § 922(g)(1), for a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess a firearm.
5. The information contained in this Affidavit is based upon my review of the reports and files in the case, conversations with other law enforcement personnel, and my own personal knowledge. Because this Affidavit is submitted for the limited purpose of establishing probable cause for the requested complaint and arrest warrant, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause.

Statement of Probable Cause

6. On January 4, 2018, Tony HILL was convicted of 18 U.S.C. § 922(g)(1) in the Eastern District of California under case number 2:17-CR-00168-TLN. He was sentenced to 86 months imprisonment and 36 months supervised release. He was released from the custody of the Federal Bureau of Prisons on or about December 22, 2023. HILL is currently under the supervision of the United States Probation Office, Eastern District of California.
7. On May 4, 2024, San Joaquin County Sheriff's Department (SJSD) Deputy Glass was the passenger in an unmarked patrol vehicle and traveling westbound on Martin Luther King Boulevard in Stockton, CA. Deputy Glass noticed a maroon-colored vehicle, bearing California license plate number 6PTM393, driving westbound on Martin Luther King Boulevard with front tinted windows that were in violation of California Penal Code § 26708. Deputy Glass requested a marked unit to conduct a traffic stop of the vehicle. The vehicle continued westbound until it stopped at a Motel 6 located at 817 Navy Drive in Stockton, CA, where it parked at the curb on the north side of the motel. Deputy Parker and Deputy Silva, who were in a marked San Joaquin Sheriff's patrol vehicle, located the maroon-colored car and conducted a traffic stop.
8. The driver of the vehicle was later identified as Tony HILL, who the deputies found did not possess a valid driver's license. HILL was detained and Detective Drivon noted that HILL was wearing a black satchel around his neck. HILL advised Detective Drivon that he was on federal probation, and told the detective that he could search his satchel. Inside the black satchel, Detective Drivon located what appeared to be 15 to 20 grams of a white crystal-like substance suspected to be methamphetamine. Detective Drivon advised HILL that due to the suspected methamphetamine, and the probation status that HILL disclosed, deputies would also be searching the vehicle. Detective Drivon asked for consent to search the vehicle, and HILL said, "Yes, go ahead." During the search of HILL's vehicle, approximately 27.8 grams gross weight of a crystal-like substance suspected to be methamphetamine, 3.0 grams gross weight of a white powdery substance suspected to be cocaine, and approximately 28.8 grams gross weight of a green leafy substance suspected to be marijuana were located. \$573.24 in cash and coin denominations along with a black digital scale were also located in the vehicle.
9. Deputy Glass read HILL his Miranda Rights, which he stated he understood. HILL told Deputy Glass that he had been at his cousin's birthday party, and that he and others at the party were using drugs. According to HILL, he believed that he had 20 grams of marijuana, 18 grams of methamphetamine, 15 pills of ecstasy, and 3 grams of cocaine in the vehicle. Deputy Glass asked HILL if he was selling drugs, and HILL stated that they were only for his personal use. HILL also stated that the scale found in the car was used to weigh the marijuana. HILL was transported and booked into the San Joaquin County Jail. He was charged with violations of California Health and Safety Code §§ 11351, 11379.2, and 11379(a).
10. HILL was scheduled to appear for the aforementioned charges in San Joaquin County Superior Court on May 13, 2024, in case number STK-CR-FE-2024-0004992. HILL failed to appear, and Judge John Soldati ordered a bench warrant in the amount of \$100,000.00.

HILL's bail bond/cash bail was ordered forfeited.

11. On May 20, 2024, Federal District Judge Troy L. Nunley, signed a Warrant For Arrest, charging Tony HILL with a Violation of Supervised Release in violation of 18 U.S.C. § 3606 relating to case number 2:17-CR-00168-TLN.
12. On August 6, 2024, members of the United States Marshals Fugitive Task Force were attempting to locate HILL and checking addresses associated with him in the Stockton, CA area. While they were driving through the parking lot of an Econo Lodge located at 1625 South Turnpike Road, they located a vehicle bearing California license plate 6PTM393 that was previously associated with HILLS. The Marshals later observed HILL walking towards the vehicle and rolling a suitcase. Task Force Officers (TFOs) approached HILL and ordered him to place his hands on top of his head and to get on his knees. HILL complied and he was placed in handcuffs. TFO Gomez asked if HILL had anything on him. HILL stated that he had a gun in his left front shorts pocket. TFO Rodriguez asked HILL if the gun was loaded and if there was a round in the chamber. HILL stated, "Yea." TFO Rodriguez observed a black colored handle sticking out of HILL's left front shorts pocket and recovered the firearm.
13. The firearm was determined to be a Glock, Model 43X, 9mm caliber pistol with 3 rounds of ammunition in the magazine and 1 round in the chamber.
14. TFO Rodriguez advised HILL of his Miranda Rights. HILL acknowledged that he understood his rights and agreed to provide a statement. When asked how long he had the gun, HILL related that he "just got it," and further stated that he obtained the gun 2 days prior. He said that he paid \$300 for it. He denied ever shooting it and said he was carrying it for "protection." When asked who he affiliates with, HILL stated, the "Crips." HILL was transported and booked into the San Joaquin County Jail and charged with violations of California Penal Code §§ 30305(A)(1) and 25850(A).
15. On September 22, 2024, your Affiant researched the written description of a Glock, Model 43X, 9mm caliber pistol bearing serial number BSSY151 for the purpose of establishing interstate nexus. Based upon my research, knowledge and experience, it is my opinion that this firearm was manufactured by Glock in Austria, Slovakia or Georgia (United States). The Glock, Model 43X 9mm pistol is a "firearm" as defined in Title 18, United States Code, Chapter 44, § 921(a)(3), and was not manufactured in the State of California. It is my opinion that if this firearm was received and/or possessed in the State of California, it traveled in or affected interstate and/or foreign commerce.
16. HILL has prior felony convictions for crimes involving firearms:
 - Possession of a Firearm by Felon, in violation of California Penal Code § 29800(A)(1), on or about December 19, 2012, in Stockton, California, for which he was sentenced to 24 months imprisonment;
 - Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), on or about

July 19, 2018, in the Eastern District of California, for which he was sentenced to 86 months imprisonment and 36 months supervised release.

Conclusion

17. As a result of the events described above and my training and experience, there is probable cause to believe that Tony HILL, on or about August 6, 2024, possessed a firearm in violation of 18 U.S.C. § 922(g)(1) in the Eastern District of California.

I declare under the penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

/s/

Matthew Garrett, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and Subscribed to me telephonically
pursuant to Fed. R. Crim. P. 4.1, on October 2, 2024,

Chi Soo Kim

Hon. Chi Soo Kim
United States Magistrate Judge

Approved as to form:

/s/ R. Alex Cárdenas
R. ALEX CÁRDENAS
Assistant United States Attorney

United States v. Tony Hill
Penalties for Criminal Complaint

VIOLATION: 18 U.S.C. § 922(g) - Felon in Possession of a Firearm

PENALTIES: Not more than 15 years in prison; or
Not more than \$250,000 fine; or both fine and imprisonment; and
Supervised release of up to three years.

SPECIAL ASSESSMENT: \$100 (mandatory on each count)